

CALIFORNIA COASTAL COMMISSION

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Appeal Filed: 2/19/3
49th Day: 4/9/3
Applic. Filed: 4/30/3
180th Day: 10/27/3
Staff: CP-LB
Staff Report: 7/16/3
Hearing Date: August 7, 2003
Commission Action:

**STAFF REPORT: DE NOVO & REGULAR CALENDAR**

APPLICATION NUMBER: 5-03-071 **APPEAL NUMBER:** A5-VEN-03-067

APPLICANT: Best Western Marina Pacific Hotel

AGENT: Clare Bronowski

PROJECT LOCATION: 1697 Pacific Avenue, Venice, City of Los Angeles, Los Angeles County.

PROJECT DESCRIPTION: Addition of a fifth floor and thirty new guest rooms to an existing 92-room hotel for a total of 122 guest rooms. The addition would increase the height of the building from 52 feet above grade to 63.5 feet.

LOCAL APPROVALS: City of Los Angeles Local Coastal Development Permit No. 2001-5955, Conditional Use Permit, Venice Specific Plan Project Permit & Specific Plan Exceptions (Case No. 2001-5955).

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission **APPROVE** a de novo permit (A5-VEN-03-067) and a coastal development permit (5-03-071) for the proposed hotel addition with special conditions to protect the nearby public parking facilities from the parking impacts of the proposed project. **See Page Two for the motions to carry out the staff recommendation.** The special conditions would require the applicant to: a) provide a parking attendant and the proposed valet parking service on the premises at all times, b) provide on-site parking for all overnight hotel guests at no extra charge, c) provide free on-site parking for hotel employees, and d) obtain Commission authorization for any future improvements or changes in use. The applicant agrees with the staff recommendation.

The proposed project is located one block inland of the Venice Boardwalk (Ocean Front Walk) within three hundred feet of the beach (Exhibit #2). Therefore, it is within the coastal zone area of the City of Los Angeles which has been designated in the City's permit program as the "Dual Permit Jurisdiction" area. Pursuant to Section 30601 of the Coastal Act and Section 13307 of Title 14 of the California Code of Regulations, any development located in the Dual Permit Jurisdiction that receives a local coastal development permit from the City must also obtain a permit from the Coastal Commission. The City-approved local coastal development permit for the proposed project was appealed to the Commission on February 19, 2003 (Appeal No. A5-VEN-03-067). On April 8, 2003, the Commission determined that a Substantial Issue exists with the proposed project's height (the 52-foot high hotel and proposed 63.5-foot high addition both exceed the 35-foot height limit set forth in the certified Venice LUP) and on-site parking plan (tandem parking arrangements would provide the necessary increase in the on-site parking supply). In order to minimize duplication, Commission staff has combined the de novo appeal permit (A5-VEN-03-067) and coastal development permit application (5-03-071) into one staff report and one Commission hearing. Because there are two permits involved, the Commission's approval, modification or disapproval of the proposed project will require two separate Commission actions: one action for the de novo appeal

permit and one action for the dual coastal development permit application. Staff is recommending that the Commission approve both permits with the following identical special conditions and findings.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles certified Land Use Plan for Venice, 6/14/01.
2. City of Los Angeles Specific Plan for Venice, Ordinance No. 172,897, 12/22/99.
3. City of Los Angeles Local Coastal Development Permit No. 2001-5955 (M. Pacific Hotel Add'n).
4. City of Los Angeles City Council File No. 02-1870 (M. Pacific Hotel Add'n).
5. City of Los Angeles Venice Specific Plan Project Permit & Specific Plan Exceptions, Case No. 2001-5955 (M. Pacific Hotel Add'n).
6. City of Los Angeles Conditional Use Permit, Case No. 2001-5955 (M. Pacific Hotel Add'n).
7. City of Los Angeles Mitigated Negative Declaration No. 2001-5956 MND (M. Pacific Hotel Add'n).

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolutions to **APPROVE** the coastal development permits with special conditions:

MOTION I: *"I move that the Commission approve with special conditions Coastal Development Permit 5-03-071 per the staff recommendation as set forth below."*

MOTION II: *"I move that the Commission approve with special conditions Coastal Development Permit A5-VEN-03-067 per the staff recommendation as set forth below."*

The staff recommends two **YES** votes. Passage of the motions will result in **APPROVAL** of the de novo permit (A5-VEN-03-067) and dual coastal development permit application (5-03-071) with identical special conditions, and adoption of the following resolutions and findings. Each motion passes only by an affirmative vote of a majority of Commissioners present.

I. Resolution: Approval with Conditions of 5-03-071

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Resolution: Approval with Conditions of A5-VEN-03-067

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the

environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

III. Standard Conditions of Coastal Development Permits A5-VEN-03-067 & 5-03-071

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

IV. Special Conditions of Coastal Development Permits A5-VEN-03-067 & 5-03-071

1. Permit Compliance

All development must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions. Any deviation from the approved plans must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

2. Permitted Use: Overnight Room Rentals

The permitted use of the existing structure with the approved addition is a 122-room hotel (as defined in the certified Venice Land Use Plan). Any proposed change in the number of units or change in use (including, but not limited to, a change from overnight room rentals to time shares or month-to-month rentals) shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

3. Parking Program

The permittee shall provide all hotel guest and hotel employee parking on the site within the hotel's parking garage. The permittee shall:

- a) Provide a parking attendant on the premises at all times (for the proposed valet/assisted parking service) to maximize the parking capacity of the hotel's garage. Storage of

vehicles by valets in the public beach/pier parking lots, on public rights-of-way, and in on-street parking spaces is prohibited.

- b) Provide vehicle parking for all overnight hotel guests at no extra charge.
- c) Provide free parking for hotel employees while they are working.
- d) Not operate the parking garage as a general beach parking facility. The on-site parking supply shall be reserved for the guests and employees of the hotel.

The required Parking Program shall be provided at all times consistent with the above-stated requirements and limitations. Any proposed change to the required Parking Program shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

4. Future Improvements

This coastal development permit is only for the development described in Coastal Development Permits A5-VEN-03-067 and 5-03-071. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610 shall not apply. Accordingly, any future development on the site, including but not limited to building additions, change in the number of guest units, modification of the parking garage, and repair and maintenance identified as requiring a permit in Public Resources Code Section 30610(d) and Title 14 California Code of Regulations Section 13252(a)-(b), shall require an amendment to Coastal Development Permits A5-VEN-03-067 and 5-03-071 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

5. Construction Staging Plan

The permittee shall stage and complete the construction of the approved development consistent with the proposed "Construction Staging Plan" attached as Page Nine of Exhibit #10 to the **Staff Report dated July 16, 2003** (Exhibit #10, p.9).

6. Deed Restriction

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this coastal development permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description of the entire parcel governed by this coastal development permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this coastal development permit shall continue to restrict the use and enjoyment of the subject property so long as either this coastal development permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

V. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The proposed project involves the addition of a fifth floor and thirty new guest rooms to an existing 92-room hotel for a total of 122 guest rooms (Exhibit #6). The addition would increase the height of the building from 52 feet above grade to 63.5 feet (Exhibit #5). The existing 52-foot high hotel is situated on a C2-1-0 zoned lot situated one block inland of the Venice Boardwalk (Ocean Front Walk) in North Venice (Exhibit #2). The County-maintained public beach and City-run Venice Beach Recreation Area (partially situated within the boundaries of Dockweiler State Beach) are located west of the hotel on the seaward side of the boardwalk. The surrounding area is developed with a variety of residential uses and visitor-serving commercial uses that cater to local residents and the thousands of coastal visitors who are attracted to Venice Beach.

According to the project plans, the existing 92-room hotel currently has a total of 92 parking spaces: 89 stalls in the parking garage located on the bottom two levels of the structure, and three more spaces under the carport at the hotel's entrance (Exhibit #7). The applicant proposes to increase the capacity of the parking garage by sixteen cars through the use of a valet parking program that would allow for tandem parking arrangements within the aisles of the parking garage (Exhibit #9, p.3). The applicant is also proposing to rent day-use parking in its garage to beach goers and the general public at the rate of \$9 per stall (Exhibit #10, p.6).

The City of Los Angeles Department of Building and Safety issued the building permit for the existing structure in 1972, the year before coastal development permits were first required for development in the coastal zone (Permit No. WLA89209/72). The Department of Building and Safety issued the Certificate of Occupancy for the hotel on January 8, 1975 (Exhibit #10, p.8).

The existing hotel, in addition to its 92 guest rooms, has a 1,035 square foot meeting room, a 504 square foot breakfast/dining room, a small kitchen, a recreation room, office and a lobby (Exhibit #7). According to the applicant, the Best Western Marina Pacific Hotel provides high-quality, moderately priced overnight accommodations to the beach-going public at reasonable rates that average \$118 a night. The applicant states that the proposed expansion would enable the hotel to maintain its current operations, continue its affordable prices, and to serve a greater number of visitors (Exhibit #9, p.4). Staff viewed the Bestwestern.com website and read that the rooms rates for August 2003 ranged from \$170 to \$329 per night.

B. Land Use

Section 30222 of the Coastal Act requires that visitor serving commercial uses be given priority over residential and other non-priority land uses.

Section 30222 of the Coastal Act states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

The proposed project would provide coastal visitors with additional overnight accommodations in a coastal neighborhood that currently has a limited number of hotel/motel rooms. Hotels, especially those providing high-quality, moderately-priced accommodations, are a type of visitor-serving commercial recreational facility that enhance public opportunities for coastal recreation and are given priority over other land uses but Section 30222 of the Coastal Act. Therefore, the proposed project is consistent with Section 30222 of the Coastal Act because it would provide additional visitor-serving commercial uses on the site.

The proposed project is also consistent with the land use designation for the site set forth in the City of Los Angeles certified Land Use Plan (LUP) for Venice. The certified Venice LUP designates the site, as well as the adjoining commercial properties on the west side of Pacific Avenue, with the Community Artcraft land use designation. The certified Venice LUP allows for visitor-serving commercial uses and does not prohibit hotel uses within the Community Artcraft land use designation. The General Commercial land use designation is the only commercial land use designation that specifically prohibits hotel and motel uses. Therefore, the proposed land use complies with Section 30222 of the Coastal Act and the land use designation set forth in the certified Venice LUP.

The appellant in this case objects to the proposed project because it may adversely affect the recreational opportunities provided at the northern extent of Dockweiler State Beach. The state-owned beach property, developed and maintained by the City of Los Angeles Department of Recreation and Parks, is situated about two hundred feet west of the hotel on the seaward side of the Venice Boardwalk. The County-maintained public beach is located seaward of the Venice Beach Recreation Area operated by the City. Venice Beach is one of the most visited recreation areas on the coast of California drawing crowds in excess of seven million visitors each year.¹

The appellant has asserted that the proposed project's excessive height and limited parking supply would degrade the recreational experience for State Beach visitors. The following sections of this staff report address the parking and visual issues and conclude that the proposed project, as conditioned, would not adversely affect the surrounding area including the State Beach. The proposed thirty new guest rooms would result in an insignificant increase in visitors to the area, and would not overburden the area's parking supply with the implementation of the Parking Program required by Special Condition Three. The Commission finds that the proposed addition of overnight accommodations to this highly urbanized and popular coastal destination would encourage and enhance public opportunities for coastal recreation consistent with Section 30222 of the Coastal Act, and as discussed in the following sections of this report, would not adversely affect coastal access or the visual resources of the area.

¹ Los Angeles County Dept. of Beaches & Harbors, 1993.

As stated above, the existing hotel use is a higher priority land use and a land use that is consistent with the certified Venice LUP. Any change in use would need to be reviewed for conformance with the Coastal Act and the certified LUP. Therefore, Special Condition Two requires that any change in use (including, but not limited to, a change from overnight room rentals to time shares or month-to-month rentals) shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. In addition, Special Condition Four requires that future improvements must be approved by a new coastal development permit or a permit amendment. As conditioned, any building change or improvement would be reviewed for conformance with the Coastal Act and the certified LUP.

In regards to the rates being charged in the hotel for overnight accommodations, there is no certainty that the current moderately priced room rates (\$118-329/night) will be maintained. Even though the applicant states that the proposed expansion would enable the hotel to maintain its current operations, continue its affordable prices, and to serve a greater number of visitors, there is no guarantee that the room rates will not be increased in the immediate future (Exhibit #9, p.4). Section 30213 of the Coastal Act limits the Commission's ability to regulate room rates.

Section 30213 of the Coastal Act

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

Therefore, while the Commission encourages the applicant to provide moderately priced accommodations that enhance public opportunities for coastal recreation, it does not require that the overnight room rates be fixed at any specific amount.

C. Public Access/Parking

The applicant's proposed parking plan would increase the hotel's on-site parking supply by sixteen spaces by through the use of a valet parking program that would allow for tandem parking arrangements within the aisles of the parking garage (Exhibit #9, p.3). The existing 92-room hotel currently has a total of 92 parking spaces (Exhibit #7). The proposed valet parking plan would accommodate 108 vehicles on the site, more spaces than the certified Venice LUP would require for the entire hotel, including the existing uses and proposed addition.

The proposed project is located in North Venice, two hundred feet inland of the popular Venice Beach Recreation Area operated and maintained by the City of Los Angeles Department of Recreation and Parks (Exhibit #2). One of the most important coastal planning issues for this part of Venice is the issue of parking and the lack thereof. New developments must provide an

adequate parking supply in order to protect the existing public parking facilities that support public access to the many recreational opportunities available at this highly popular coastal area.

Many of the existing commercial and residential structures in this area were constructed decades ago at a time when the parking demands generated by development were significantly less than they are today. The restaurants, cafes and shops that line Windward Avenue and the Venice Boardwalk (Ocean Front Walk) have little or no on-site parking to serve their employees and customers. Consequently, there is a severe shortage of available parking spaces in the area when the demand for parking peaks. Visitors and users of the various commercial, residential and recreational uses in the area must compete for the limited number of available parking spaces in the area. This situation has negatively impacted the availability of public access to the coast during peak-use periods.

The largest parking reservoirs in the project area are the Venice Boulevard public beach parking lot (321 spaces) and the metered on-street parking spaces that line Windward Avenue (approximately 50 spaces). The streets surrounding the project site also provide on-street parking spaces. These public parking reservoirs provide parking not only for beach visitors and customers of the commercial uses, but also for employees of the commercial uses and guests of the area's residents and some of the residents themselves.

The appellant in this case asserts that the applicant's proposed valet parking plan would not adequately mitigate the proposed project's resulting increase in parking demand, thus exacerbating the area's parking shortage (Exhibit #8). On April 8, 2003, the Commission determined that the proposed parking plan was a substantial issue that should be reviewed and considered by the Commission for consistency with the Chapter 3 policies of the Coastal Act.

Parking Demand

The Commission has consistently found that a direct relationship exists between the provision of adequate parking and availability of public access to the coast. In order to conform to the requirements of the Coastal Act, the proposed project is required to provide adequate parking facilities.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Section 30252 of the Coastal Act requires that public access be protected by ensuring that adequate parking be provided (among other means) to meet the increased parking demand generated by new development. Further intensification of uses in the project area will increase the demand for parking. The demand for parking already surpasses the supply during peak use periods. The peak use periods in the Venice Beach Recreation Area are primarily summer days when beach attendance increases. Parking demand is lowest when beach attendance is low, although the restaurants in the area do generate a significant demand for parking during the dinner hours.

Section 30252 of the Coastal Act requires that development provide adequate parking supplies (or other means of enhancing public access). The amount of parking that is “adequate” is determined by calculating the parking demand of a specific project using a parking standard. The parking standard is typically part of a certified local coastal program or zoning ordinance. The Commission, on June 14, 2001, certified the Venice Land Use Plan (LUP) which contains specific policies to carryout the requirements of the Coastal Act. The certified Venice LUP requires that new development, including additions to existing structures, shall provide the necessary additional parking spaces as required by the LUP Parking Requirement Table.

Policy II.A.3 of the certified LUP states:

Policy II. A. 3. Parking Requirements. *The parking requirements outlined in the following table shall apply to all new development, any addition and/or change of use. The public beach parking lots and the Venice Boulevard median parking lots shall not be used to satisfy the parking requirements of this policy. Extensive remodeling of an existing use or change of use which does not conform to the parking requirements listed in the table shall be required to provide missing numbers of parking spaces or provide an in-lieu fee payment into the Venice Coastal Parking Impact Trust Fund for the existing deficiency. The Venice Coastal Parking Impact Trust Fund will be utilized for improvement and development of public parking facilities that improve public access to the Venice Coastal Zone.*

The certified LUP parking table, contained within LUP Policy II.A.3, sets forth the parking requirements for hotel uses as follows:²

Hotel	2 spaces; plus, 2 spaces for each dwelling unit; plus, 1 space for each guest room or each suite of rooms for the first 30; plus, 1 space for each two guest rooms or suites of rooms in excess of 30 but not exceeding 60; plus, 1 space for each three guest rooms or suites of rooms in excess of 60; plus, 1 space for each 100 square feet of floor area used for consumption of food or beverages, or public recreation areas; plus,
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² The hotel parking standards in the certified Venice LUP are identical to the hotel parking standard contained in the Commission's Regional Interpretive Guidelines for Los Angeles County, adopted 1980.

1 space for each five fixed seats and for every 35 square feet of seating area where there are no fixed seats in meeting rooms or other places of assembly.

Also, the proposed project is located within the Beach Impact Zone (BIZ) of the Venice area as defined in the certified Venice LUP. The BIZ parking requirements apply to new developments in the BIZ area, and are in addition to the standard parking requirements. The parking spaces generated by the BIZ parking requirements help offset the cumulative impacts on public access opportunities caused by the intensification of commercial enterprises in the Venice area. In this case, the BIZ parking requirement for the existing hotel would be three additional spaces for the existing 1,906 square feet of ground floor area.

The table attached as Page Six of Exhibit #9 of this staff report lists the parking requirements of the entire hotel, including the existing uses and proposed addition, using the current standards of the certified Venice LUP (Exhibit #9, p.6). Using the current parking standards set forth by the certified Venice LUP, the entire hotel, including the existing uses and proposed addition, would require a total of 106 parking spaces. The certified LUP parking table would require ten new parking spaces to serve the thirty new proposed hotel rooms (Exhibit #9, p.6).

Proposed Parking Plan

The applicant's proposed parking plan would increase the hotel's on-site parking supply by sixteen spaces by through the use of a valet parking program that would allow for tandem parking arrangements within the aisles of the parking garage (Exhibit #9, p.3). The existing 92-room hotel currently has a total of 92 parking spaces (Exhibit #7). The proposed valet parking plan would accommodate 108 vehicles on the site.

The applicant also has submitted a parking study that supports its contention that the existing hotel has adequate parking in its garage for the existing uses and proposed additional rooms (Exhibit #9, ps.7-9). The parking study asserts that the guests at this hotel, in general, use vehicles at a lower rate than other hotels because many of the guests arrive at the hotel via taxi or airport van after flying into Los Angeles International Airport. The parking study estimates that, when the proposed 122-room hotel becomes fully occupied at one time, the parking demand would not exceed 73 vehicles.

The applicant's parking study, however, does not reflect the hotel's actual demand for parking, since the hotel charges fees for parking. Many guests avoid parking at the hotel in order to avoid paying the additional parking fee charged by the hotel. Parking on the nearby public streets is free at night, although spaces are limited.

Parking Plan Analysis

In this case, the applicant is proposing to provide sixteen new on-site parking spaces for a total on-site parking capacity of 108 vehicles, thus exceeding the certified LUP parking requirements for the proposed addition (ten additional parking spaces) and exceeding the parking demand for the entire 122-room hotel (106 parking spaces). The sixteen additional parking spaces being

provided, however, are in the aisles of the parking garage and involve tandem parking arrangements that would require a parking attendant (Exhibit #7).

In order for the proposed project to conform to the requirement of Section 30252 of the Coastal Act, the hotel must provide adequate parking facilities for the proposed use. Therefore, the parking spaces must be available for use by the customers and employees of the hotel. Otherwise, the employees and guests would park in the public parking facilities located near the project site. The applicant's proposal to charge hotel guests for parking would discourage the use of the hotel's on-site parking garage, and result in guests vying for the on-street public parking spaces that support coastal access.

Therefore, the Commission must impose special conditions on the proposed project in order for it to conform to the requirement of Section 30252 of the Coastal Act that new development provide adequate parking facilities to protect public access to the coast. The special conditions are necessary to mitigate the negative impacts to public access that would result if the employees and guests are forced or encouraged to use the public parking facilities in the surrounding area rather than park in the hotel's parking garage. In order to protect the public parking supply that is necessary to maintain public access to the coast, the approval of the coastal development permit is conditioned to require the permittee to:

- Provide all hotel guest and hotel employee parking on the site within the hotel's parking garage.
- Provide a parking attendant on the premises at all times (for the proposed valet/assisted parking service) to maximize the parking capacity of the hotel's garage.
- Provide vehicle parking for all overnight hotel guests at no extra charge.
- Provide free parking for hotel employees while they are working.
- Not operate the parking garage as a general beach parking facility. The on-site parking supply shall be reserved for the guests and employees of the hotel.

The free parking for employees and prohibition against extra parking fees for hotel guests would encourage the employees and guests to use the parking supply specifically designated for the hotel. The primary parking supply for the hotel is the hotel's parking garage. Also, the storage of vehicles by valets is prohibited in the public beach/pier parking lots, on public rights-of-way, and in on-street parking spaces. The Commission finds that, only as conditioned does the proposed project provide an adequate parking supply and conform with Section 30252 of the Coastal Act.

The applicant is also proposing to rent day-use parking in its garage to beach goers and the general public at the rate of \$9 per stall (Exhibit #10, p.6). The Commission finds that the rental of the hotel's on-site parking supply to non-guests would displace the on-site parking supply that is necessary to meet the parking demands of the proposed hotel addition. Therefore, the on-site parking supply shall be preserved to meet the parking demands of the hotel guests and employees.

As conditioned, the permittee is required to maintain the on-site parking supply to serve the permitted use of the structure: a 122-room hotel. Special Condition Two requires that any proposed change in the number of units or change in use (including, but not limited to, a change from overnight room rentals to time shares or month-to-month rentals) shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. Special Condition Two is necessary to ensure that a parking deficiency does not occur as a result of creating additional parking demands on the site. A parking deficiency would reduce the availability of on-street parking for beach goers, and as a result, reduce the ability of the public to access the coast. The Commission finds that, only as conditioned to ensure the continued provision of adequate on-site parking, is the proposed project consistent with the public access policies of the Coastal Act.

D. Visual Resources – Building Height

The City Council granted the applicant's request to exceed the building height limit when it approved the local coastal development permit, conditional use permit and project permit (City Council File No. 02-1870). The existing 52-foot high hotel and the proposed 63.5-foot high hotel addition do not conform to the 35-foot height limit for the North Venice area as set forth in the City's certified Land Use Plan (LUP) for Venice.

Building height and bulk can adversely affect the scenic and visual qualities of the Venice coastal area. Therefore, the scenic and visual qualities of the area shall be considered and protected.

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas....

Section 30253(5) of the Coastal Act states:

New development shall: (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

The existing structure is one of the highest buildings in the neighborhood and does not conform to the current height limit for the area set forth in the certified Venice LUP. The standard of review for the coastal development permit, however, is the Chapter 3 policies of the Coastal Act. Sections 30251 and 30253 of the Coastal Act require that the unique character of the community and the scenic and visual qualities of the area be protected.

When viewed from the beach or the boardwalk, the proposed fifth floor addition would barely be noticeable on top of the existing 52-foot high building (Exhibit #10, ps. 4&5). The applicant's view analysis demonstrates that no public views or vistas would be blocked by the proposed addition, it would not adversely affect community character, and it would have a minimal affect on the scenic and visual qualities of the area (Exhibit #10, ps. 4&5). The situation is unique in that the project involves an addition to a higher priority land use that already exceeds the height limit as set forth in the certified Venice LUP. The applicant asserts that approval of the proposed addition would make it easier for the applicant to maintain its current operations, continue its affordable prices, and to serve a greater number of visitors (Exhibit #9, p.4).

The design of the proposed addition minimizes its visual impact by setting back the proposed fifth floor from the existing sides of the four-story hotel. The additional building height would not adversely affect the adjacent buildings or the existing character of the neighborhood or beach. Therefore, the Commission finds that the proposed addition does not: (a) obstruct views to or along the coast from publicly accessible places; (b) adversely impact public access to and use of the water; (c) adversely impact public recreational use of a public park or beach; or (d) otherwise adversely affect recreation, access or the visual resources of the coast. Therefore, the proposed project does not conflict with Sections 30251 and 30253 of the Coastal Act. As conditioned, the proposed project is consistent with all the Chapter 3 policies of the Coastal Act.

E. Deed Restriction

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes one additional condition requiring that the property owner record a deed restriction against the property, referencing all of the above Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, this permit ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development.

F. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program (LCP) which conforms with Chapter 3 policies of the Coastal Act:

(a) Prior to certification of the Local Coastal Program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. As conditioned the proposed development is consistent with Chapter 3 of the Coastal Act. The existing 52-foot high hotel and the proposed 63.5-foot high hotel addition do not conform to the 35-foot height limit for the North Venice area as set forth in the certified Venice LUP. Nonetheless, approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act because the exception to the height limit in this case is for a specific and unique circumstance: it is an addition to a higher priority land use that already exceeds the height limit and will not adversely affect public views or community character.

G. California Environmental Quality Act (CEQA)

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. All adverse impacts have been minimized by the recommended conditions of approval and there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

End/cp